

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Rural Call Completion	)	WC Docket No. 13-39
	)	
Vonage Holdings Corp. Petition for Extension of	)	
Time and Limited Waiver	)	

**ORDER**

**Adopted: January 30, 2014****Released: January 30, 2014**

By the Chief, Wireline Competition Bureau:

**I. INTRODUCTION**

1. In this Order, the Wireline Competition Bureau (Bureau) grants Vonage Holdings Corp. (Vonage) an extension of time to comply with the ring signaling rule that the Commission adopted in the *Rural Call Completion Order*.<sup>1</sup> The Bureau concludes that Vonage has shown good cause for requesting a limited waiver of section 64.2201 of the Commission's rules, and that granting the waiver is in the public interest.

**II. DISCUSSION**

2. In the *Rural Call Completion Order*, the Commission prohibited "false audible ringing," which occurs when a long distance voice service provider or intermediate provider prematurely triggers audible ring tones to the caller before the call has actually reached the called party's service provider.<sup>2</sup> False audible ringing was identified as a problem by the Commission because consumers were not receiving accurate information regarding whether calls they had placed were arriving at their destinations or were arriving in a timely manner.<sup>3</sup> The ring signaling rule prohibits all originating and intermediate providers from causing audible ringing to be sent to the caller before the called party's service provider has signaled that the called party is being alerted.<sup>4</sup> Originating and intermediate providers must also

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<sup>1</sup> Vonage Holdings Corp. Petition for Extension of Time and Limited Waiver, WC Docket No. 13-39 (filed Jan. 17, 2014) (Petition); *Rural Call Completion*, WC Docket Nos. 13-39, Report and Order and Further Notice of Proposed Rulemaking, 28 FCC Rcd 16154, 16200-04, paras. 111-19 (2013) (*Rural Call Completion Order*); 47 C.F.R. § 64.2201.

<sup>2</sup> See *Rural Call Completion Order*, 28 FCC Rcd 16200-01, paras. 111-12. The term "long-distance voice service" includes interstate interLATA, intrastate interLATA, interstate interexchange, intrastate interexchange, inter-MTA interstate and inter-MTA intrastate voice services. 47 C.F.R. § 64.2101(e). For ease of reference, in this Order originating long-distance voice service providers are sometimes referred to simply as "originating providers." An "intermediate provider" is "any entity that carries or processes traffic that traverses or will traverse the PSTN at any point insofar as that entity neither originates nor terminates that traffic." 47 C.F.R. § 64.1600(f).

<sup>3</sup> *Rural Call Completion Order*, 28 FCC Rcd at 16200, paras. 111-12.

<sup>4</sup> 47 C.F.R. § 64.2201; *Rural Call Completion Order*, 28 FCC Rcd at 16202-03, para. 115.

convey audio tones and announcements sent by the called party's service provider to the calling party.<sup>5</sup> The ring signaling rule becomes effective on January 31, 2014.<sup>6</sup>

3. On January 17, 2014, Vonage filed a petition requesting an additional month to comply with the obligations imposed by section 64.2201, until March 3, 2014.<sup>7</sup> Vonage currently plays a ringing sound for its customers if it has not received a ring signal from an intermediate provider within four seconds.<sup>8</sup> Vonage has concluded that it cannot modify its existing system to comply with the ring signaling rule across its entire customer base;<sup>9</sup> accordingly, Vonage must install a new media delivery system.<sup>10</sup> Vonage asserts that its new system will be significantly more flexible than trying to modify its existing system, but emphasizes that "[i]nallation of this new media delivery system is a fundamental modification of Vonage's network architecture, touches all calls made on Vonage's network, and requires careful design, testing, and implementation."<sup>11</sup>

4. Vonage states that it began in early October 2013 to investigate potential solutions to come into compliance with the ring signaling rule.<sup>12</sup> By November, Vonage had decided to pursue the new media delivery system described above and began to work with vendors to implement and test the new system.<sup>13</sup> Vonage is currently deploying its new system at its three major call processing centers, and once deployment and testing are complete, Vonage will implement the new system across its entire network.<sup>14</sup> Vonage asserts that "it is critical that Vonage fully validate and test the new media delivery system," and it may need an extension in order to test and deploy its systems to ensure that customers' services are not disrupted.<sup>15</sup> Vonage states that it has staged the implementation of the new system in order to minimize disruption to its customers' service.<sup>16</sup>

5. Vonage asserts that it is "working very hard to push this forward quickly," but that it may require additional time beyond the January 31 effective date to come into compliance with section

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<sup>5</sup> 47 C.F.R. § 64.2201; *Rural Call Completion Order*, 28 FCC Rcd at 16202-03, para. 115.

<sup>6</sup> See 78 Fed. Reg. 76218 (Dec. 17, 2013) (announcing January 31, 2014 as the effective date for 47 C.F.R. § 64.2201).

<sup>7</sup> Petition at 1. We note that although Vonage requests a thirty (30) day extension in its Petition, January 31, 2014 through March 3, 2014 is actually thirty-one (31) days.

<sup>8</sup> *Id.* at 2.

<sup>9</sup> *Id.* at 2-3.

<sup>10</sup> *Id.* at 2. The new system will play a message to customers if signaling from the called party's service provider is excessively delayed.

<sup>11</sup> *Id.* at 3; see also Letter from Ronald W. Del Sesto, Jr., Counsel for Vonage, to Marlene Dortch, Secretary, Federal Communications Commission, WC Docket No. 13-39 at 1 (filed Dec. 23, 2013) ("It is not possible for Vonage to modify the analog terminal adapter to deliver a messaging solution consistent with the new ring signaling rules. Thus, Vonage is significantly modifying its service to deliver network-generated messages to its subscribers when it has not received a ring signal from an intermediate carrier within four seconds.").

<sup>12</sup> Petition at 3-4; see also *Rural Call Completion*, WC Docket Nos. 13-39, Notice of Proposed Rulemaking, 28 FCC Rcd 1569, 1581-83, paras. 39-43 (2013) (seeking comment on a proposed ring signaling rule).

<sup>13</sup> Petition at 4.

<sup>14</sup> *Id.* at 5.

<sup>15</sup> *Id.*

<sup>16</sup> *Id.*

64.2201.<sup>17</sup> Accordingly, Vonage requests a limited waiver extending the time to implement a new system that will comply with section 64.2201.

6. Generally, the Commission's rules may be waived if good cause is shown.<sup>18</sup> The Commission may exercise its discretion to waive a rule where the particular facts make strict compliance inconsistent with the public interest.<sup>19</sup> In addition, the Commission may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis.<sup>20</sup> Waiver of the Commission's rules is appropriate only if both (1) special circumstances warrant a deviation from the general rule, and (2) such deviation will serve the public interest.<sup>21</sup>

7. We conclude that Vonage has shown good cause for requesting a modest extension of time to comply with the ring signaling rule. Vonage states that it had "no reasonable alternative but to undertake substantial network modification" in order to comply with the rule, because modifying its existing system could not have brought Vonage into compliance with the rule across its entire customer base.<sup>22</sup> This is a special circumstance that appears to be unique to Vonage. Vonage also asserts that the one month extension it requests is in the public interest because it will allow sufficient testing of the new system; by contrast, rushing to complete deployment of the new system could lead to call failures or to customer confusion, if the new network message does not play correctly.<sup>23</sup> We find that avoiding service disruption and customer confusion is consistent with the underlying purpose of the rule.<sup>24</sup> Accordingly, the Bureau grants Vonage's petition and allows Vonage one additional month—until March 3, 2014—to comply with section 64.2201. We direct Vonage to file a letter in WC Docket No. 13-39 no later than March 4, 2014, notifying the Commission that it has come into compliance with section 64.2201.

### III. ORDERING CLAUSES

8. Accordingly, IT IS ORDERED, pursuant to sections 0.91, 0.291, and 1.3 of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, 1.3, that the Petition for Extension of Time and Limited Waiver filed by Vonage Holdings Corp. IS GRANTED, and that section 64.2201 of the Commission's rules, 47 C.F.R. § 64.2201, IS WAIVED to the extent described above.

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<sup>17</sup> *Id.* at 5.

<sup>18</sup> 47 C.F.R. § 1.3.

<sup>19</sup> *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

<sup>20</sup> *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969); *Northeast Cellular*, 897 F.2d at 1166.

<sup>21</sup> *Northeast Cellular*, 897 F.2d at 1166.

<sup>22</sup> Petition at 7.

<sup>23</sup> *Id.*

<sup>24</sup> See, e.g., *AT&T Wireless Services, Inc. v. F.C.C.*, 270 F.3d 959, 965 (D.C. Cir 2001) (upholding waivers based on the Wireless Telecommunications Bureau's reasonable interpretation that the waivers were consistent with the underlying purpose of the rule being waived); *WAIT Radio*, 418 F.2d at 1157.

9. IT IS FURTHER ORDERED, pursuant to section 1.102(b)(1) of the Commission's rules, 47 C.F.R. § 1.102(b)(1), that this Order SHALL BE EFFECTIVE upon release.

FEDERAL COMMUNICATIONS COMMISSION

Julie A. Veach  
Chief  
Wireline Competition Bureau